



#8
PATENT
Attorney Docket No.: 02356.0011-06

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Marc ALIZON et al.

Serial No.: 09/041,975

Filed: March 13, 1998

For: VARIANT OF LAV VIRUSES

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:



Group Art Unit: 1648

Examiner: PARKIN, J.

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RESPONSE TO RESTRICTION REQUIREMENT

In a restriction requirement dated January 21, 1999 (Paper No. 7), the Examiner required restriction under 35 U.S.C. § 121 between the claims of Group I (claims 23-25); Group II (claims 26 and 33); Group III (claims 27 and 33); Group IV (claim 28 and 33); Group V (claims 29-33, 37 and 38); Group VI (claims 34 and 38); Group VII (claims 35 and 38; and Group VIII (claims 36 and 38). Applicants provisionally elect to prosecute Group I, claims 23-25, with traverse.

A restriction requirement is proper when (1) the inventions are independent or distinct as claimed; and (2) there is a serious burden on the Examiner. Applicants submit that it would not pose a serious burden on the Examiner to search the subject matter of the groups of inventions together, since all of the groups relate to a purified HIV-1 variant virus, and members of each of the groups are classified in class 435,

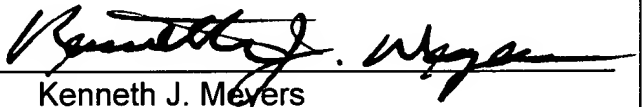
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subclass 235.1. Therefore, applicants request reconsideration of the restriction requirement and the examination of all groups together in the instant application.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

By: 
Kenneth J. Meyers
Reg. No. 25,146

Dated: February 19, 1999